

REMARKS/ARGUMENTS

The Office is requiring restriction to one of the following groups:

Group I:        Claims 1-12 and 19-20, drawn to a process of dyeing leather with at least one dye F and dyed leather obtained by the process; and

Group II:       Claims 14-18 and 21-23, drawn to dyes F.

Applicants elect, with traverse, Group I, Claims 1-12, 19, and 20, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Office if restriction is not required (MPEP §803). The burden is on the Office to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Office has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Office alleges that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons: “[T]he technical feature common to Groups I and II are the dyes F. This is not a special technical feature because the dyes F are known in the prior art. Note Example 2 (No. 10) and Example 6 (No. 13) of Ogino et al. (US 5,488,101); Examples 110 and 122 of Deitz et al. (US 5,629,410); and Dye No. 24 on page 8 of JP 2003183140, for example. Also note that the abovementioned U.S. patents disclose the use of the dyes for dyeing leather. Note column 1, lines 5 to 12 of Ogino et al. and column 15, lines 40 to 53 of Deitz et al.”

However, Annex B of the Administrative Instructions under the PCT, paragraph b (Technical Relationship), states, emphasis added:

The expression “special technical feature” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, *considered*

*as a whole*, makes over the prior art. The determination is made on the contents of the claims as *interpreted in light of the description* and drawings (if any).

Applicants respectfully submit that the Office did not consider the contribution of each invention, *as a whole*, over the cited references in alleging the lack of a special technical feature. Applicants also respectfully submit that the Office has not provided any indication that the contents of the claims *interpreted in light of the description* were considered in making this allegation. Furthermore, the claimed dyes and processes for dyeing result in dyed leathers that display high fastnesses, especially wet-, perspiration- and rubfastnesses and also a high migrationfastness, even at medium and high depths of shade (color intensities). These results are displayed in, *e.g.*, dyeing prescriptions 11 to 14, 19, 20, and 31 to 36 (pages 113-128 of the specification as filed). Therefore, the Office has not met the burden necessary to support the assertion of a lack of unity of the invention.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

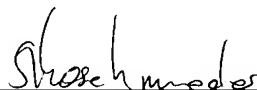
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